

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEPHANIE L PICKERING and
TERRY A. O'KEEFE,

Plaintiffs,

v.

BANK OF AMERICA HOME LOANS,
et al.,

Defendants.

CASE NO. C15-1983 RSM

ORDER

THIS MATTER is before the Court on review of Chief Judge Ricardo Martinez's Order [Dkt. #59] declining to recuse himself in response to *pro se* Plaintiffs' "Motion for Recusal of Judge Ricardo S. Martinez for Bias and Prejudice and Extra Prejudicial" [Dkt. #57]. The Order was referred to this Court as the most senior non-Chief Judge under 28 U.S.C. § 144 and LCR 3(e).

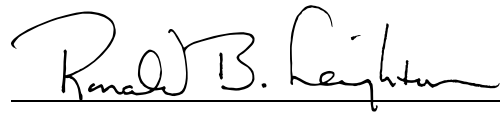
A federal judge should recuse himself if "a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned." 28 U.S.C. § 144; *see also* 28 U.S.C. § 455; *Yagman v. Republic Insurance*, 987 F.2d 622, 626 (9th Cir. 1993). This objective inquiry is concerned with whether there is the appearance of bias, not whether there is bias in fact. *See Preston v. United States*, 923 F.2d 731, 734 (9th Cir. 1992); *see*

1 also *United States v. Conforte*, 624 F.2d 869, 881 (9th Cir. 1980).). In the absence of specific
2 allegations of personal bias, prejudice, or interest, neither prior adverse rulings of a judge nor his
3 participation in a related or prior proceeding is sufficient” to establish bias. *Davis v. Fendler*,
4 650 F.2d 1154, 1163 (9th Cir. 1981). Judicial rulings alone “almost never” constitute a valid
5 basis for a bias or partiality motion. *Liteky v. United States*, 510 U.S. 540, 555 (1994).

6 Plaintiffs’ motion for recusal is based on a prior adverse ruling in “Judge Martinez’s
7 Order dated January 24, 2017.” Dkt. 57 at 3. But prior adverse rulings are insufficient to
8 establish bias requiring recusal. Because Plaintiffs do not articulate any factual basis to
9 reasonably question Chief Judge Martinez’s impartiality, the Motion to Recuse [Dkt. #57] is
10 **DENIED** and Chief Judge Martinez’s Order Denying Motion to Recuse [Dkt. #59] is
11 **AFFIRMED**.

12 IT IS SO ORDERED.

13 Dated this 24th day of January, 2018.

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16 Ronald B. Leighton
United States District Judge
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